

**\*\*E-filed 06/28/2010\*\***

**United States District Court**  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MICROSOFT CORPORATION,

**No. C 10-0240 RS**

Plaintiff,

**ORDER GRANTING LEAVE TO  
AMEND**

v.

TIVO, INC,

Defendant.


On May 31, 2010, plaintiff filed a motion for leave to amend. Defendant filed a “statement of non-opposition” setting out its position that as long as “appropriate adjustments” were made to the Case Management Scheduling Order, it did not oppose the motion. The parties subsequently filed a stipulation for such adjustments to the scheduling order, which the Court has signed and entered.

The parties’ stipulation recited the fact that they had reached agreement “regarding both Microsoft’s motion to amend and TiVo’s request to modify the claim construction schedule,” but inexplicably failed to address the motion among the matters being stipulated to, thereby unfortunately making this additional order necessary.

1 In any event, it is clear that the parties have effectively stipulated that the motion for leave to  
2 amend should be granted and so it shall be. The hearing set for July 9, 2010 is vacated.

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4 IT IS SO ORDERED.

5 Dated: 06/28/2010

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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE